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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,744	09/11/2003	Yoshio Nabeyama	121.1054	3463
21171 7590 12/11/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER TRAN, DZUNG D	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,744

Applicant(s)

NABEYAMA ET AL.

Examiner

Dzung D. Tran

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 11-13, 16-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 11-13, 16-18 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-6, 20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant's election without traverse of Species 2 which corresponds to Figure 8, with claims 5-6 and 20-25 in the reply filed on 09/27/2007 is acknowledged. However, claim 21 is not read on Figure 8, therefore, claim 21 is not considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a light intensity measuring unit" in claims 5, 6 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

3. Claims 5, 6, 20, 22-25 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 11/094,743 and over claims 1-14 of copending Application No. 10/808,579.

Regarding claims 5, 6, 20, 22-25, claim 1-9 of copending Application No. 11/094,743 and claims 1-14 of copending Application No. 10/808,579 recites a chromatic dispersion generating apparatus comprising: an optical component provided with a demultiplexing function, including a device having two reflective surfaces which are opposed and parallel to each other, in which a light condensed in the one-dimensional direction is incident between the reflective surfaces of said device, and a part of said incident light is transmitted through one of the reflective surfaces while said incident light being multiple-reflected on the reflective surfaces, to be emitted, and said emitted light interferes mutually, so that optical beams traveling directions of which are different from each other according to wavelengths are formed; and a reflector reflecting, at a previously set position, optical beams of respective wavelengths emitted from one of the reflective surfaces of said optical component in different directions to return the optical beams to said optical component, respectively, said chromatic dispersion

generating apparatus further comprising: a storing section that includes a first area which stores, for a specific wavelength among a plurality of wavelengths on a predetermined wavelength grid, data relating to positions of said reflector corresponding to at least two chromatic dispersion values together with said specific wavelength and a chromatic dispersion slope value, and a second area which stores, for the respective wavelengths on said wavelength grid, data relating to the temperatures of said optical component corresponding to at least two chromatic dispersion values together with the respective wavelengths on said wavelength grid and a wavelength temperature coefficient; a computing section designated with a wavelength and a chromatic dispersion value at an operation time, that computes a target position of said reflector corresponding to said designated wavelength and said designated chromatic dispersion value, based on information stored in the first area of said storing section, and also computes the target temperature of said optical component corresponding to said designated wavelength and said designated chromatic dispersion value, based on information stored in the second area of said storing section; a position control section that coincides the position of said reflector with the target position computed in said computing section; and a temperature control section that coincides the temperature of said optical component with the target temperature computed in said computing section.

This is a provisional obviousness-type double patenting rejection.

Application/Control Number:
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Art Unit: 2613

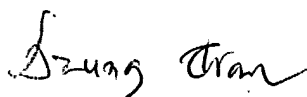
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran
12/05/2007


DZUNG TRAN
PRIMARY PATENT EXAMINER